

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LOOP AI LABS INC,
Plaintiff,

v.

ANNA GATTI, et al.,
Defendants.

Case No. [15-cv-00798-HSG](#) (DMR)

**ORDER AWARDING SANCTIONS TO
DEFENDANT ALMAWAVE**

Re: Dkt. No. 895

Defendant Almaxwave USA, Inc. (“Almaxwave”) filed a discovery motion seeking sanctions related to its witness Luca Ferri, who traveled from Italy to prepare and appear for a deposition noticed by Plaintiff Loop AI, Labs, Inc. (“Loop”). Loop failed to take the deposition. [Docket No. 895.] On January 6, 2017, the court granted the motion in part, ruling that Almaxwave was entitled to reimbursement by Loop for Ferri’s airfare and hotel accommodations, as well as attorneys’ fees incurred in preparing Ferri and appearing with him for deposition on January 21, 2016. [Docket No. 965.] In its motion, Almaxwave requested a total of \$3,691.35 for airfare and hotel accommodations. [Docket No. 895-1 (Wallerstein Decl., Sept. 26, 2016) ¶¶ 4, 6, Exs. A, B.] It also requested \$8,639.50 in attorneys’ fees for twelve hours of attorney time to prepare Ferri for deposition and 7.5 hours of attorney time spent waiting at the deposition site with Ferri. *Id.* at ¶¶ 18-20. The court ordered Almaxwave to submit proof of payment for Ferri’s airfare as well as billing records to support the attorney time spent preparing Ferri and attending the deposition. [Docket No. 965 at 8-9.] Almaxwave timely submitted the requested evidence. [Docket Nos. 970, 971.]

Having examined Almaxwave’s evidence, the court awards Almaxwave \$907.03 for Ferri’s airfare and \$2,784.32 for his hotel accommodations. [Docket Nos. 970 (Wallerstein Decl., Jan. 13, 2017) Exs. 1 (airfare receipt), 2 (hotel receipt).]

As to attorneys' fees, defense counsel represented that attorneys prepared the witnesses for the jurisdictional depositions scheduled for the week of January 18, 2016 both separately and in groups, and that Ferri participated in group and individual preparation sessions on January 14, 2016 through January 17, 2016. [Docket No. 895-1 (Wallerstein Decl., Sept. 26, 2016) ¶¶ 5, 8.] Almax submitted redacted billing records that showed that its attorneys billed over 150 hours in January 2016 preparing its witnesses for the jurisdictional depositions. Wallerstein Decl., Jan. 13, 2017 Ex. 3. It also submitted redacted billing records that show that attorney Kimberly Culp spent 7.5 hours attending the deposition with Ferri on January 21, 2016. [Docket No. 971 (Suppl. Wallerstein Decl., Jan. 13, 2017) ¶ 3 Ex. 1.] Based on this evidence, the court finds that it is reasonable to award Almax fees for 12 hours of attorney time spent preparing Ferri for deposition, as requested by Almax. The court also finds that the requested hourly rates for Wallerstein and Culp, \$478 and \$431, respectively, are reasonable and in line with the prevailing market rates in the San Francisco Bay Area. *See Blum v. Stenson*, 465 U.S. 886, 895 (1984). The court awards Almax a total of \$5,407 for attorney time spent preparing Ferri for deposition (five hours for Wallerstein and seven hours for Culp). The court also awards Almax \$3,232.50 for the time spent by Culp attending the deposition on January 21, 2016. In total, the court awards Almax a total of \$12,330.85. Plaintiff Loop AI Labs Inc. shall pay this sum to Almax within fourteen days of the date of this order.

IT IS SO ORDERED.

Dated: January 23, 2017

